

HOUSE BILL No. 1035

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-2-21.5.

Synopsis: Police enforcement of federal immigration laws. Requires the superintendent of the state police department (superintendent) to: (1) negotiate terms of a memorandum of understanding (memorandum) concerning a pilot project for the enforcement of federal immigration and customs laws; and (2) designate appropriate police employees to be trained under the memorandum. Requires: (1) the superintendent and governor, unless otherwise required by the applicable federal agency, to sign the memorandum on behalf of the state; and (2) the state police department to apply for federal funding, as available, for the costs associated with training the police employees. Provides that a police employee certified as trained may enforce the federal immigration and customs laws.

Effective: July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1035

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-11-2-21.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: **Sec. 21.5. (a) The superintendent shall**
4 **negotiate the terms of a memorandum of understanding between**
5 **the state and the United States Department of Justice or the United**
6 **States Department of Homeland Security concerning a pilot**
7 **project for the enforcement of federal immigration and customs**
8 **laws in Indiana.**
9 (b) The memorandum of understanding described in subsection
10 (a) must be signed on behalf of the state by the superintendent and
11 governor, unless otherwise required by the United States
12 Department of Justice or the United States Department of
13 Homeland Security.
14 (c) The superintendent shall designate appropriate police
15 employees to be trained under the memorandum of understanding
16 described in subsection (a).
17 (d) The department shall apply for federal funding, as available,



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1 for the costs associated with training police employees under the
2 memorandum of understanding described in subsection (a).

3 (e) A police employee certified as trained in accordance with the
4 memorandum of understanding described in subsection (a) may
5 enforce federal immigration and customs laws while performing
6 within the scope of the police employee's duties.

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